

111TH CONGRESS  
1ST SESSION

# H. R. 860

To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. FARR, Mr. HASTINGS of Florida, Mr. HINCHEY, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. HONDA, Mr. KIRK, Ms. LEE of California, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, Mr. KLEIN of Florida, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To reauthorize the Coral Reef Conservation Act of 2000,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Coral Reef Conservation Act Reauthorization and En-  
6       hancement Amendments of 2009”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       this Act is as follows:

Sec. 1. Short title.

Sec. 2. Amendment of Coral Reef Conservation Act of 2000.

## TITLE I—AMENDMENTS TO THE CORAL REEF CONSERVATION ACT

Sec. 101. Short title.

Sec. 102. Expansion of Coral Reef Conservation Program.

Sec. 103. Emergency response.

Sec. 104. National program.

Sec. 105. Report to Congress.

Sec. 106. Fund; grants; grounding inventory; coordination.

Sec. 107. Clarification of definitions.

Sec. 108. Authorization of appropriations.

## TITLE II—UNITED STATES CORAL REEF TASK FORCE

Sec. 201. United States Coral Reef Task Force.

## TITLE III—DEPARTMENT OF THE INTERIOR CORAL REEF AUTHORITIES

Sec. 301. Amendments relating to Department of the Interior program.

Sec. 302. Clarification of definitions.

# 1   **SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT**

# 2                               **OF 2000.**

3           Except as otherwise expressly provided, whenever in  
4 this Act an amendment or repeal is expressed in terms  
5 of an amendment to or repeal of a section or other provi-  
6 sion, the reference shall be considered to be made to a  
7 section or other provision of the Coral Reef Conservation  
8 Act of 2000 (16 U.S.C. 6401 et seq.).

# 9   **TITLE I—AMENDMENTS TO THE** 10       **CORAL REEF CONSERVATION** 11       **ACT**

# 12   **SEC. 101. SHORT TITLE.**

13           This title may be cited as the “Coral Reef Conserva-  
14 tion Amendments Act of 2009”.

1 **SEC. 102. EXPANSION OF CORAL REEF CONSERVATION**  
2 **PROGRAM.**

3 (a) PROJECT DIVERSITY.—Section 204(d) (16  
4 U.S.C. 6403(d)) is amended—

5 (1) in the heading by striking “GEOGRAPHIC  
6 AND BIOLOGICAL” and inserting “PROJECT”; and

7 (2) by striking paragraph (3) and inserting the  
8 following:

9 “(3) Remaining funds shall be awarded for—

10 “(A) projects (with priority given to com-  
11 munity-based local action strategies) that ad-  
12 dress emerging priorities or threats, including  
13 international and territorial priorities, or  
14 threats identified by the Administrator in con-  
15 sultation with the United States Coral Reef  
16 Task Force; and

17 “(B) other appropriate projects, as deter-  
18 mined by the Administrator, including moni-  
19 toring and assessment, research, pollution re-  
20 duction, education, and technical support.”.

21 (b) APPROVAL CRITERIA.—Section 204(g) (16  
22 U.S.C. 6403(g)) is amended—

23 (1) by striking “or” after the semicolon in  
24 paragraph (9);

25 (2) by striking paragraph (10); and

1           (3) by inserting after paragraph (9) the fol-  
2       lowing:

3           “(10) promoting activities designed to minimize  
4       the likelihood of vessel impacts on coral reefs, par-  
5       ticularly those areas identified under section 210(b),  
6       including the promotion of ecologically sound naviga-  
7       tion and anchorages near coral reefs; or

8           “(11) promoting and assisting entities to work  
9       with local communities, and all appropriate govern-  
10      mental and nongovernmental organizations, to sup-  
11      port community-based planning and management  
12      initiatives for the protection of coral reef eco-  
13      systems.”.

14   **SEC. 103. EMERGENCY RESPONSE.**

15       Section 206 (16 U.S.C. 6405) is amended to read as  
16   follows:

17   **“SEC. 206. EMERGENCY RESPONSE ACTIONS.**

18       “(a) IN GENERAL.—The Administrator may under-  
19   take or authorize action necessary—

20           “(1) to minimize the destruction of or injury to  
21       a coral reef, or loss of an ecosystem function of a  
22       coral reef, from—

23           “(A) vessel impacts, derelict fishing gear,  
24       vessel anchors, and anchor chains; and

1 “(B) from unforeseen or disaster-related  
2 circumstances as a result of human activities;  
3 and

4 “(2) to stabilize, repair, recover, or restore a  
5 coral reef that is destroyed or injured, or that has  
6 incurred the loss of an ecosystem function, as de-  
7 scribed in paragraph (1).

8 “(b) VESSEL REMOVAL; STABILIZATION.—Action au-  
9 thorized by subsection (a) includes vessel removal and  
10 emergency stabilization of the vessel or any impacted coral  
11 reef.

12 “(c) PARTNERING WITH OTHER FEDERAL AGEN-  
13 CIES.—When possible, action by the Administrator under  
14 this section should—

15 “(1) be conducted in partnership with other  
16 government agencies as appropriate, including—

17 “(A) the Coast Guard, the Federal Emer-  
18 gency Management Agency, the Army Corps of  
19 Engineers, and the Department of the Interior;  
20 and

21 “(B) agencies of States; and

22 “(2) leverage resources of other agencies.

23 “(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER  
24 FEDERAL AGENCIES.—

1           “(1) IN GENERAL.—The head of any other Fed-  
2       eral agency may assist the Administrator in emer-  
3       gency response actions under this section, using  
4       funds available for operations of the agency con-  
5       cerned.

6           “(2) REIMBURSEMENT.—The Administrator,  
7       subject to the availability of appropriations, may re-  
8       imburse a Federal agency for assistance provided  
9       under paragraph (1).

10       “(e) LIABILITY FOR COSTS AND DAMAGES TO CORAL  
11       REEFS.—

12           “(1) TREATMENT OF CORAL REEFS UNDER NA-  
13       TIONAL MARINE SANCTUARIES ACT.—For purposes  
14       of the provisions set forth in paragraph (2), and  
15       subject to paragraph (3), each of the terms ‘sanc-  
16       tuary resources’, ‘resource’, ‘sanctuary resource  
17       managed under law or regulations for that sanc-  
18       tuary’, ‘national marine sanctuary’, ‘sanctuary re-  
19       sources of the national marine sanctuary’, and ‘sanc-  
20       tuary resources of other national marine sanctuaries’  
21       is deemed to include any coral reef that is subject  
22       to the jurisdiction of the United States or any State,  
23       without regard to whether such coral reef is located  
24       in a national marine sanctuary.

1           “(2) APPLICABLE PROVISIONS OF NATIONAL  
2       MARINE SANCTUARIES ACT.—The provisions referred  
3       to in paragraph (1) are the following provisions of  
4       the National Marine Sanctuaries Act:

5           “(A) Paragraphs (6) and (7) of section  
6       302 (16 U.S.C. 1432).

7           “(B) Paragraphs (1), (2), (3), and (4) of  
8       section 306 (16 U.S.C. 1436).

9           “(C) Section 307 (16 U.S.C. 1437).

10          “(D) Section 312 (16 U.S.C. 1443).

11       “(3) STATE CONSENT REQUIRED.—

12           “(A) IN GENERAL.—This subsection shall  
13       not apply to any coral reef that is subject to the  
14       jurisdiction of a State unless the Governor of  
15       that State notifies the Secretary that the State  
16       consents to that application.

17           “(B) REVOCATION OF CONSENT.—The  
18       governor of a State may revoke consent under  
19       subparagraph (A) by notifying the Secretary of  
20       such revocation.

21       “(4) CONSISTENCY WITH INTERNATIONAL LAWS  
22       AND TREATIES.—Any action taken under the au-  
23       thority of this subsection must be consistent with  
24       otherwise applicable international laws and treaties.

1           “(5) ACTIONS AUTHORIZED WITH RESPECT TO  
2           VESSELS.—Actions authorized under this subsection  
3           include vessel removal, and emergency re-stabiliza-  
4           tion of a vessel and any coral reef that is impacted  
5           by a vessel.”.

6 **SEC. 104. NATIONAL PROGRAM.**

7           (a) PURPOSE OF ACT.—Section 202 (16 U.S.C.  
8           6401) is amended—

9                   (1) by redesignating paragraphs (2) through  
10                  (5) as paragraphs (3) through (6), respectively, and  
11                  by inserting after paragraph (1) the following:

12                           “(2) to promote the resilience of coral reef eco-  
13                           systems;”.

14                   (2) by amending paragraph (4), as so redesign-  
15                  nated, to read as follows:

16                           “(4) to develop sound scientific information on  
17                           the condition of coral reef ecosystems and the  
18                           threats to such ecosystems including large-scale  
19                           threats related to climate change, to benefit local  
20                           communities and the Nation, and to the extent prac-  
21                           ticable support and enhance coral reef research ca-  
22                           pabilities at local academic institutions;”; and

23                   (3) by striking “and” after the semicolon at the  
24                  end of paragraph (6), as so redesignated, by striking  
25                  the period at the end of paragraph (6), as so redesi-



1       ignated, and inserting “; and”, and by adding at the  
2       end the following:

3               “(7) to recognize the benefits of healthy coral  
4       reefs to island and coastal communities and to en-  
5       courage Federal action to ensure, to the maximum  
6       extent practicable, the continued availability of those  
7       benefits.”.

8       (b) GOALS AND OBJECTIVES OF NATIONAL CORAL  
9       REEF ACTION STRATEGY.—Section 203(b)(8) (16 U.S.C.  
10      6402(b)(8)) is amended to read as follows:

11              “(8) conservation, including resilience and the  
12      consideration of island and local traditions and prac-  
13      tices.”.

14       (c) AMENDMENTS RELATING TO ACTIVITIES TO  
15      CONSERVE CORAL REEFS AND CORAL REEF ECO-  
16      SYSTEMS.—Section 207(b) (16 U.S.C. 6406(b)) is amend-  
17      ed—

18              (1) in paragraph (3) by striking “and” after  
19      the semicolon;

20              (2) in paragraph (4)—

21                      (A) by striking “cooperative conservation”  
22                      and inserting “cooperative research, conserva-  
23                      tion,”; and

1 (B) by striking “partners.” and inserting  
2 “partners, including academic institutions lo-  
3 cated in States;”; and

4 (3) by adding at the end the following:

5 “(5) improving and promoting the resilience of  
6 coral reefs and coral reef ecosystems; and

7 “(6) activities designed to minimize the likeli-  
8 hood of vessel impacts or other physical damage to  
9 coral reefs, including those areas identified in sec-  
10 tion 210(b).”.

11 (d) CRITERIA FOR APPROVAL OF PROJECT PRO-  
12 POSALS.—Section 204(g) (16 U.S.C. 6403(g)) is further  
13 amended by striking “or” after the semicolon at the end  
14 of paragraph (10), by redesignating paragraph (11) as  
15 paragraph (12), and by inserting after paragraph (10) the  
16 following:

17 “(11) improving and promoting the resilience of  
18 coral reefs and coral reef ecosystems; or”.

19 (e) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—  
20 Section 207 (16 U.S.C. 6406) is amended—

21 (1) in subsection (b) (as amended by subsection  
22 (b) of this section) by striking “and” after the semi-  
23 colon at the end of paragraph (5), by striking the  
24 period at the end of paragraph (6) and inserting “;  
25 and”, and by adding at the end the following:

1           “(7) centrally archiving, managing, and distrib-  
2           uting data sets and providing coral reef ecosystem  
3           assessments and services to the general public with  
4           local, regional, or international programs and part-  
5           ners.”; and

6           (2) by adding at the end the following:

7           “(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—  
8           The Secretary, in coordination with similar efforts at other  
9           Departments and agencies shall provide for the long-term  
10          stewardship of environmental data, products, and informa-  
11          tion via data processing, storage, and archive facilities  
12          pursuant to this title. The Secretary may—

13           “(1) archive environmental data collected by  
14          Federal, State, local agencies and tribal organiza-  
15          tions and federally funded research;

16           “(2) promote widespread availability and dis-  
17          semination of environmental data and information  
18          through full and open access and exchange to the  
19          greatest extent possible, including in electronic for-  
20          mat on the Internet;

21           “(3) develop standards, protocols and proce-  
22          dures for sharing Federal data with State and local  
23          government programs and the private sector or aca-  
24          demia; and

1           “(4) develop metadata standards for coral reef  
2       ecosystems in accordance with Federal Geographic  
3       Data Committee guidelines.”.

4   **SEC. 105. REPORT TO CONGRESS.**

5       Section 208 (16 U.S.C. 6407) is amended to read as  
6       follows:

7   **“SEC. 208. REPORT TO CONGRESS.**

8       “Not later than March 1, 2010, and every 3 years  
9       thereafter, the Administrator shall submit to the Com-  
10      mittee on Commerce, Science, and Transportation of the  
11      Senate and the Committee on Natural Resources of the  
12      House of Representatives a report describing all activities  
13      undertaken to implement the strategy, including—

14           “(1) a description of the funds obligated by  
15       each participating Federal agency to advance coral  
16       reef conservation during each of the 3 fiscal years  
17       next preceding the fiscal year in which the report is  
18       submitted;

19           “(2) a description of Federal interagency and  
20       cooperative efforts with States and non-govern-  
21       mental partner organizations to prevent or address  
22       overharvesting, coastal runoff, or other anthropo-  
23       genic impacts on coral reef ecosystems, including  
24       projects undertaken with the Department of the In-  
25       terior, the Department of Agriculture, the Environ-

1       mental Protection Agency, and the Army Corps of  
2       Engineers;

3               “(3) a summary of the information contained in  
4       the vessel grounding inventory established under sec-  
5       tion 210, including additional authorization or fund-  
6       ing, needed for response and removal of such vessels;

7               “(4) a description of Federal disaster response  
8       actions taken pursuant to the National Response  
9       Plan to address damage to coral reefs and coral reef  
10      ecosystems; and

11              “(5) an assessment of the condition of United  
12      States coral reefs, accomplishments under this Act,  
13      and the effectiveness of management actions to ad-  
14      dress threats to coral reefs, including actions taken  
15      to address large-scale threats to coral reef eco-  
16      systems related to climate change.”.

17   **SEC. 106. FUND; GRANTS; GROUNDING INVENTORY; CO-**  
18                           **ORDINATION.**

19       (a) FUND; GRANTS; GROUNDING INVENTORY; CO-  
20   ORDINATION.—The Act (16 U.S.C. 6401 et seq.) is  
21   amended—

22              (1) in section 205(a) (16 U.S.C. 6404(a)), by  
23      striking “organization solely” and all that follows  
24      and inserting “organization—

1 “(1) to support partnerships between the public  
2 and private sectors that further the purposes of this  
3 Act and are consistent with the national coral reef  
4 strategy under section 203; and

5 “(2) to address emergency response actions  
6 under section 206.”;

7 (2) by adding at the end of section 205(b) (16  
8 U.S.C. 6404(b)) “The organization is encouraged to  
9 solicit funding and in-kind services from the private  
10 sector, including nongovernmental organizations, for  
11 emergency response actions under section 206 and  
12 for activities to prevent damage to coral reefs, in-  
13 cluding areas identified in section 210(b)(2).”;

14 (3) in section 205(c) (16 U.S.C. 6404(c)), by  
15 striking “the grant program” and inserting “any  
16 grant program or emergency response action”;

17 (4) by redesignating sections 209 and 210 as  
18 sections 217 and 218, respectively; and

19 (5) by inserting after section 208 the following:

20 **“SEC. 209. COMMUNITY-BASED PLANNING GRANTS.**

21 “(a) IN GENERAL.—The Administrator may make  
22 grants to entities that are eligible to receive grants under  
23 section 204(c) to provide additional funds to such entities  
24 to work with local communities and through appropriate  
25 Federal and State entities to prepare and implement plans

1 for the increased protection of coral reef areas identified  
2 by the community and scientific experts as high priorities  
3 for focused attention. The plans shall—

4 “(1) support attainment of one or more of the  
5 criteria described in section 204(g);

6 “(2) be developed at the community level;

7 “(3) utilize where applicable watershed-based or  
8 ecosystem-based approaches;

9 “(4) provide for coordination with Federal and  
10 State experts and managers;

11 “(5) build upon local approaches or models, in-  
12 cluding traditional or island-based resource manage-  
13 ment concepts; and

14 “(6) complement local action strategies or re-  
15 gional plans for coral reef conservation.

16 “(b) TERMS AND CONDITIONS.—The provisions of  
17 subsections (b), (d), (f), and (h) of section 204 apply to  
18 grants under subsection (a), except that, for the purpose  
19 of applying section 204(b)(1) to grants under this section,  
20 ‘75 percent’ shall be substituted for ‘50 percent’.

21 **“SEC. 210. VESSEL GROUNDING INVENTORY.**

22 “(a) IN GENERAL.—The Administrator, in coordina-  
23 tion with other Federal agencies, may maintain an inven-  
24 tory of all vessel grounding incidents involving coral reefs,  
25 including a description of—

1 “(1) the impacts to such resources;

2 “(2) vessel and ownership information, if avail-  
3 able;

4 “(3) the estimated cost of removal, mitigation,  
5 or restoration;

6 “(4) the response action taken by the owner,  
7 the Administrator, the Commandant of the Coast  
8 Guard, or other Federal or State agency representa-  
9 tives;

10 “(5) the status of the response action, including  
11 the dates of vessel removal and mitigation or res-  
12 toration and any actions taken to prevent future  
13 grounding incidents; and

14 “(6) recommendations for additional naviga-  
15 tional aids or other mechanisms for preventing fu-  
16 ture grounding incidents.

17 “(b) IDENTIFICATION OF AT-RISK REEFS.—The Ad-  
18 ministrator may—

19 “(1) use information from any inventory main-  
20 tained under subsection (a) or any other available  
21 information source to identify all coral reef areas  
22 that have a high incidence of vessel impacts, includ-  
23 ing groundings and anchor damage;



1           “(2) identify appropriate measures, including  
2           action by other agencies, to reduce the likelihood of  
3           such impacts; and

4           “(3) develop a strategy and timetable to imple-  
5           ment such measures, including cooperative actions  
6           with other Government agencies and non-govern-  
7           mental partners.

8   **“SEC. 211. REGIONAL, STATE, AND TERRITORIAL COORDI-**  
9                           **NATION.**

10          “(a) REGIONAL COORDINATION.—The Secretary and  
11   other Federal members of the United States Coral Reef  
12   Task Force shall work in coordination and collaboration  
13   with other Federal agencies and States to implement the  
14   strategies developed under section 203, including regional  
15   and local strategies, to address multiple threats to coral  
16   reefs and coral reef ecosystems such as coastal runoff, ves-  
17   sel impacts, and overharvesting.

18          “(b) RESPONSE AND RESTORATION ACTIVITIES.—  
19   The Secretary shall enter into written agreements with  
20   any States in which coral reefs are located regarding the  
21   manner in which response and restoration activities will  
22   be conducted within the affected State’s waters. Nothing  
23   in this subsection shall be construed to limit Federal re-  
24   sponse and restoration activity authority before any such  
25   agreement is final.

1       “(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—  
2 All cooperative enforcement agreements in place between  
3 the Secretary and States affected by this title shall be up-  
4 dated to include enforcement of this title where appro-  
5 priate.

6       **“SEC. 212. AGREEMENTS.**

7       “(a) IN GENERAL.—The Secretary may execute and  
8 perform such contracts, leases, grants, or cooperative  
9 agreements as may be necessary to carry out the purposes  
10 of this title.

11       “(b) COOPERATIVE AGREEMENTS.—In addition to  
12 the general authority provided by subsection (a), the Sec-  
13 retary may enter into, extend, or renegotiate agreements  
14 with universities and research centers with established  
15 management-driven national or regional coral reef re-  
16 search institutes to conduct ecological research and moni-  
17 toring explicitly aimed at building capacity for more effec-  
18 tive resource management. Pursuant to any such agree-  
19 ments these institutes shall—

20               “(1) collaborate directly with governmental re-  
21 source management agencies, non-profit organiza-  
22 tions, and other research organizations;

23               “(2) build capacity within resource management  
24 agencies to establish research priorities, plan inter-

1 disciplinary research projects and make effective use  
2 of research results; and

3 “(3) conduct public education and awareness  
4 programs for policy makers, resource managers, and  
5 the general public on coral reef ecosystems, best  
6 practices for coral reef and ecosystem management  
7 and conservation, their value, and threats to their  
8 sustainability.

9 “(c) USE OF OTHER AGENCIES’ RESOURCES.—For  
10 purposes related to the conservation, preservation, protec-  
11 tion, restoration, or replacement of coral reefs or coral reef  
12 ecosystems and the enforcement of this title, the Secretary  
13 is authorized to use, with their consent and with or with-  
14 out reimbursement, the land, services, equipment, per-  
15 sonnel, and facilities of any Department, agency, or in-  
16 strumentality of the United States, or of any State, local  
17 government, or Indian tribal government, or of any polit-  
18 ical subdivision thereof, or of any foreign government or  
19 international organization.

20 “(d) AUTHORITY TO UTILIZE GRANT FUNDS.—

21 “(1) Except as provided in paragraph (2), the  
22 Secretary may apply for, accept, and obligate re-  
23 search grant funding from any Federal source oper-  
24 ating competitive grant programs where such fund-  
25 ing furthers the purpose of this title.

1           “(2) The Secretary may not apply for, accept,  
2           or obligate any grant funding under paragraph (1)  
3           for which the granting agency lacks authority to  
4           grant funds to Federal agencies, or for any purpose  
5           or subject to conditions that are prohibited by law  
6           or regulation.

7           “(3) Appropriated funds may be used to satisfy  
8           a requirement to match grant funds with recipient  
9           agency funds, except that no grant may be accepted  
10          that requires a commitment in advance of appropria-  
11          tions.

12          “(4) Funds received from grants shall be depos-  
13          ited in the National Oceanic and Atmospheric Ad-  
14          ministration account for the purpose for which the  
15          grant was awarded.

16   **“SEC. 213. INTERNATIONAL CORAL REEF CONSERVATION**  
17               **PROGRAM.**

18          “(a) ESTABLISHMENT OF THE PROGRAM.—

19               “(1) IN GENERAL.—The Secretary shall estab-  
20          lish an International Coral Reef Conservation Pro-  
21          gram to carry out activities consistent with the pur-  
22          poses of this title with respect to coral reef eco-  
23          systems in waters outside United States jurisdiction.  
24          The Program shall consist of the development and  
25          implementation of an international coral reef eco-

1 system strategy pursuant to subsection (b), and an  
2 international coral reef ecosystem partnership pro-  
3 gram pursuant to subsection (c).

4 “(2) COORDINATION.—In carrying out this sub-  
5 section, the Secretary shall consult with the Sec-  
6 retary of State, the Administrator of the Agency for  
7 International Development, the Secretary of the In-  
8 terior, and other relevant Federal agencies, and rel-  
9 evant United States stakeholders, and shall take into  
10 account coral reef ecosystem conservation initiatives  
11 of other nations, international agreements, and  
12 intergovernmental and nongovernmental organiza-  
13 tions so as to provide effective cooperation and effi-  
14 ciencies in international coral reef conservation. The  
15 Secretary may consult with the United States Coral  
16 Reef Task Force in carrying out this subsection.

17 “(b) INTERNATIONAL CORAL REEF ECOSYSTEM  
18 STRATEGY.—

19 “(1) IN GENERAL.—Not later than 1 year after  
20 the date of enactment of the Coral Reef Conserva-  
21 tion Act Reauthorization and Enhancement Amend-  
22 ments of 2009, the Secretary shall submit to the  
23 Senate Committee on Commerce, Science, and  
24 Transportation and the House of Representatives  
25 Committee on Natural Resources, and publish in the

1 Federal Register, an international coral reef eco-  
2 system strategy, consistent with the purposes of this  
3 title and the national strategy required pursuant to  
4 section 203(a). The Secretary shall periodically re-  
5 view and revise this strategy as necessary.

6 “(2) CONTENTS.—The strategy developed by  
7 the Secretary under paragraph (1) shall—

8 “(A) identify coral reef ecosystems  
9 throughout the world that are of high value for  
10 United States marine resources, that support  
11 high-seas resources of importance to the United  
12 States such as fisheries, or that support other  
13 interests of the United States;

14 “(B) summarize existing activities by Fed-  
15 eral agencies and entities described in sub-  
16 section (a)(2) to address the conservation of  
17 coral reef ecosystems identified pursuant to  
18 subparagraph (A);

19 “(C) establish goals, objectives, and spe-  
20 cific targets for conservation of priority inter-  
21 national coral reef ecosystems;

22 “(D) describe appropriate activities to  
23 achieve the goals and targets for international  
24 coral reef conservation, in particular those that

1 leverage activities already conducted under this  
2 title;

3 “(E) develop a plan to coordinate imple-  
4 mentation of the strategy with entities de-  
5 scribed in subsection (a)(2) in order to leverage  
6 current activities under this title and other con-  
7 servation efforts globally;

8 “(F) identify appropriate partnerships,  
9 grants, or other funding and technical assist-  
10 ance mechanisms to carry out the strategy; and

11 “(G) develop criteria for prioritizing part-  
12 nerships under subsection (c).

13 “(c) INTERNATIONAL CORAL REEF ECOSYSTEM  
14 PARTNERSHIPS.—

15 “(1) IN GENERAL.—The Secretary shall estab-  
16 lish an international coral reef ecosystem partner-  
17 ship program to provide support, including funding  
18 and technical assistance, for activities that imple-  
19 ment the strategy developed pursuant to subsection  
20 (b).

21 “(2) MECHANISMS.—The Secretary shall pro-  
22 vide such support through existing authorities, work-  
23 ing in collaboration with the entities described in  
24 subsection (a)(2).

1           “(3) CRITERIA FOR APPROVAL.—The Secretary  
2           may not approve a partnership proposal under this  
3           section unless the partnership is consistent with the  
4           international coral reef conservation strategy devel-  
5           oped pursuant to subsection (b), and meets the cri-  
6           teria specified in that strategy.

7   **“SEC. 214. PERMITS.**

8           “(a) IN GENERAL.—The Secretary may allow for the  
9   conduct of—

10           “(1) bona fide research; and

11           “(2) activities that would otherwise be prohib-  
12       ited by this title or regulations issued thereunder,  
13   through issuance of coral reef conservation permits in ac-  
14   cordance with regulations issued under this title.

15           “(b) LIMITATION OF NON-RESEARCH ACTIVITIES.—  
16   The Secretary may not issue a permit for activities other  
17   than for bona fide research unless the Secretary finds—

18           “(1) the activity proposed to be conducted is  
19       compatible with one or more of the purposes in sec-  
20       tion 202(b) of this title;

21           “(2) the activity conforms to the provisions of  
22       all other laws and regulations applicable to the area  
23       for which such permit is to be issued; and

24           “(3) there is no practicable alternative to con-  
25       ducting the activity in a manner that destroys,



1 causes the loss of, or injures any coral reef or any  
2 component thereof.

3 “(c) TERMS AND CONDITIONS.—The Secretary may  
4 place any terms and conditions on a permit issued under  
5 this section that the Secretary deems reasonable.

6 “(d) FEES.—

7 “(1) ASSESSMENT AND COLLECTION.—Subject  
8 to regulations issued under this title, the Secretary  
9 may assess and collect fees as specified in this sub-  
10 section.

11 “(2) AMOUNT.—Any fee assessed shall be equal  
12 to the sum of—

13 “(A) all costs incurred, or expected to be  
14 incurred, by the Secretary in processing the  
15 permit application, including indirect costs; and

16 “(B) if the permit is approved, all costs in-  
17 curred, or expected to be incurred, by the Sec-  
18 retary as a direct result of the conduct of the  
19 activity for which the permit is issued, including  
20 costs of monitoring the conduct of the activity  
21 and educating the public about the activity and  
22 coral reef resources related to the activity.

23 “(3) USE OF FEES.—Amounts collected by the  
24 Secretary in the form of fees under this section shall  
25 be collected and available for use only to the extent

1 provided in advance in appropriations Acts and may  
2 be used by the Secretary for issuing and admin-  
3 istering permits under this section.

4 “(4) WAIVER OR REDUCTION OF FEES.—For  
5 any fee assessed under paragraph (2) of this sub-  
6 section, the Secretary may—

7 “(A) accept in-kind contributions in lieu of  
8 a fee; or

9 “(B) waive or reduce the fee.

10 “(e) FISHING.—Nothing in this section shall be con-  
11 sidered to require a person to obtain a permit under this  
12 section for the conduct of any fishing activities not prohib-  
13 ited by this title or regulations issued thereunder.

14 **“SEC. 215. REGULATIONS.**

15 “The Secretary may issue such regulations as are  
16 necessary and appropriate to carry out the purposes of  
17 this title. This title and any regulations promulgated  
18 under this title shall be applied in accordance with inter-  
19 national law. No restrictions shall apply to or be enforced  
20 against a person who is not a citizen, national, or resident  
21 alien of the United States (including foreign flag vessels)  
22 unless in accordance with international law.

23 **“SEC. 216. JUDICIAL REVIEW.**

24 “(a) IN GENERAL.—Judicial review of any action  
25 taken by the Secretary under this title shall be in accord-

1   ance with sections 701 through 706 of title 5, United  
2   States Code, except that—

3           “(1) review of any final agency action of the  
4       Secretary taken under the authority of section  
5       206(e) may be had only by the filing of a complaint  
6       by an interested person in the United States District  
7       Court for the appropriate district within 30 days  
8       after the date such final agency action is taken; and

9           “(2) review of all other final agency actions of  
10      the Secretary under this title may be had only by  
11      the filing of a petition for review by an interested  
12      person in the Circuit Court of Appeals of the United  
13      States for the District of Columbia Circuit or for the  
14      Federal judicial district in which such person resides  
15      or transacts business which is directly affected by  
16      the action taken within 120 days after the date such  
17      final agency action is taken.

18      “(b) NO REVIEW IN ENFORCEMENT PRO-  
19   CEEDINGS.—Final agency action with respect to which re-  
20   view could have been obtained under subsection (a)(2)  
21   shall not be subject to judicial review in any civil or crimi-  
22   nal proceeding for enforcement.

23      “(c) COST OF LITIGATION.—In any judicial pro-  
24   ceeding under subsection (a), the court may award costs  
25   of litigation (including reasonable attorney and expert wit-

ness fees) to any prevailing party whenever it determines that such award is appropriate.”.

(b) COOPERATIVE AGREEMENTS.—Section 204 (16 U.S.C. 6403) is amended by adding at the end the following:

“(k) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with the heads of other Federal agencies, States, local governments, academic institutions, and non-governmental organizations to carry out the activities of the national coral reef action strategy developed under section 203 and to implement regional strategies developed pursuant to section 211.”.

**SEC. 107. CLARIFICATION OF DEFINITIONS.**

Section 218, as redesignated by section 106(a) of this Act (relating to definitions; 16 U.S.C. 6409), is further amended—

(1) by amending paragraph (2) to read as follows:

“(2) CONSERVATION.—The term ‘conservation’ means the use of methods and procedures that are necessary to preserve or sustain coral reefs and associated species as resilient diverse, viable, and self-perpetuating coral reef ecosystems, including—

1           “(A) all activities associated with resource  
 2           management, such as assessment, conservation,  
 3           protection, restoration, sustainable use, and  
 4           management of habitat;

5           “(B) mapping;

6           “(C) monitoring of coral reef ecosystems;

7           “(D) assistance in the development of  
 8           management strategies for marine protected  
 9           area or networks thereof and marine resources  
 10          consistent with the National Marine Sanc-  
 11          tuaries Act (16 U.S.C. 1431 et seq.) and the  
 12          Magnuson-Stevens Fishery Conservation and  
 13          Management Act (16 U.S.C. 1801 et seq.);

14          “(E) law enforcement;

15          “(F) conflict resolution initiatives;

16          “(G) community outreach and education;

17          and

18          “(H) activities that promote safe and eco-  
 19          logically sound navigation.”;

20          (2) by amending paragraph (3) to read as fol-  
 21          lows:

22               “(3) CORAL.—The term ‘coral’ means species  
 23          of the phylum Cnidaria, including—

24               “(A) all species of the orders Antipatharia  
 25          (black corals), Scleractinia (stony corals), Gor-

1           gonacea (horny corals), Stolonifera (organpipe  
2           corals and others), Alcyonacea (soft corals), and  
3           Helioporacea (blue coral), of the class Antho-  
4           zoa; and

5           “(B) all species of the families Milleporidae  
6           (fire corals) and Stylasteridae (stylasterid hy-  
7           drocorals), of the class Hydrozoa.”;

8           (3) by amending paragraph (4) to read as fol-  
9           lows:

10          “(4) CORAL REEF.—The term ‘coral reef’  
11          means a limestone structure composed in whole or in  
12          part of living zooxanthellate stony corals (Class  
13          Anthozoa, Order Scleractinia), their skeletal re-  
14          mains, or both.”;

15          (4) by amending paragraph (5) to read as fol-  
16          lows:

17          “(5) CORAL REEF ECOSYSTEM.—The term  
18          ‘coral reef ecosystem’ means a system of coral reefs  
19          and geographically associated species, habitats, and  
20          environment, including mangroves and seagrass  
21          habitats, and the processes that control its dynam-  
22          ics.”;

23          (5) by redesignating paragraphs (7) and (8) in  
24          order as paragraphs (8) and (9), respectively, and by  
25          inserting after paragraph (6) the following:

1           “(7) CORAL REEF COMPONENT.—The term  
 2           ‘coral reef component’ means any part of a coral  
 3           reef, including individual living or dead corals, asso-  
 4           ciated sessile invertebrates and plants, and any adja-  
 5           cent or associated seagrasses.”.

6 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

7           Section 217, as redesignated by section 106(a) of this  
 8           Act (relating to authorization of appropriations; 16 U.S.C.  
 9           6408), is further amended—

10           (1) by amending subsection (a) to read as fol-  
 11           lows:

12           “(a) IN GENERAL.—There are authorized to be ap-  
 13           propriated to the Secretary of Commerce to carry out this  
 14           title \$30,000,000 for fiscal year 2010, \$32,000,000 for  
 15           fiscal year 2011, \$34,000,000 for fiscal year 2012, and  
 16           \$35,000,000 for fiscal years 2013 and 2014.”;

17           (2) in subsection (b) by striking “\$1,000,000”  
 18           and inserting “\$2,000,000”;

19           (3) by striking subsection (c) and inserting the  
 20           following:

21           “(c) COMMUNITY-BASED PLANNING GRANTS.—  
 22           There is authorized to be appropriated to the Adminis-  
 23           trator to carry out section 209, \$8,000,000 for fiscal years  
 24           2010 through 2014, to remain available until expended.”;  
 25           and

1 (4) by striking subsection (d) and inserting the  
2 following:

3 “(d) DEPARTMENT OF THE INTERIOR.—There is au-  
4 thorized to be appropriated to the Secretary of the Interior  
5 to carry out this title \$5,000,000 for each of fiscal years  
6 2009 through 2013.”.

7 **TITLE II—UNITED STATES**  
8 **CORAL REEF TASK FORCE**

9 **SEC. 201. UNITED STATES CORAL REEF TASK FORCE.**

10 (a) ESTABLISHMENT.—There is hereby established  
11 the United States Coral Reef Task Force.

12 (b) GOAL.—The goal of the Task Force shall be to  
13 lead, coordinate, and strengthen Federal Government ac-  
14 tions to better preserve and protect coral reef ecosystems.

15 (c) DUTIES.—The duties of the Task Force shall  
16 be—

17 (1) to coordinate, in cooperation with State and  
18 local government partners, academic, and non-  
19 governmental partners if appropriate, activities re-  
20 garding the mapping, monitoring, research, con-  
21 servation, mitigation, restoration of coral reefs and  
22 coral reef ecosystems;

23 (2) to monitor and advise regarding implemen-  
24 tation of the policy and Federal agency responsibil-  
25 ities set forth in Executive Order 13089 and the na-



1        tional coral reef action strategy developed under sec-  
2        tion 203 of the Coral Reef Conservation Act of  
3        2000, as amended by this Act; and

4            (3) to work with the Secretary of State and the  
5        Administrator of the Agency for International Devel-  
6        opment, and in coordination with the other members  
7        of the Task Force, to—

8            (A) assess the United States role in inter-  
9        national trade and protection of coral species;  
10       and

11           (B) encourage implementation of appro-  
12       priate strategies and actions to promote con-  
13       servation and sustainable use of coral reef re-  
14       sources worldwide.

15       (d) MEMBERSHIP, GENERALLY.—The Task Force  
16 shall be comprised of—

17           (1) the Secretary of Commerce, acting through  
18       the Administrator of the National Oceanic and At-  
19       mospheric Administration, and the Secretary of the  
20       Interior, who shall be co-chairs of the Task Force;

21           (2) the Administrator of the Agency of Inter-  
22       national Development;

23           (3) the Secretary of Agriculture;

24           (4) the Secretary of Defense;

- 1           (5) the Secretary of the Army, acting through
- 2     the Corps of Engineers;
- 3           (6) the Secretary of Homeland Security;
- 4           (7) the Attorney General;
- 5           (8) the Secretary of State;
- 6           (9) the Secretary of Transportation;
- 7           (10) the Administrator of the Environmental
- 8     Protection Agency;
- 9           (11) the Administrator of the National Aero-
- 10    nautics and Space Administration;
- 11           (12) the Director of the National Science Foun-
- 12    dation;
- 13           (13) the Governor, or a representative of the
- 14    Governor, of the Commonwealth of the Northern
- 15    Mariana Islands;
- 16           (14) the Governor, or a representative of the
- 17    Governor, of the Commonwealth of Puerto Rico;
- 18           (15) the Governor, or a representative of the
- 19    Governor, of the State of Florida;
- 20           (16) the Governor, or a representative of the
- 21    Governor, of the State of Hawaii;
- 22           (17) the Governor, or a representative of the
- 23    Governor, of the Territory of Guam;
- 24           (18) the Governor, or a representative of the
- 25    Governor, of the Territory of American Samoa; and

1           (19) the Governor, or a representative of the  
2       Governor, of the Virgin Islands.

3       (e) NONVOTING MEMBERS.—The President, or a rep-  
4       resentative of the President, of each of the Freely Associ-  
5       ated States of the Federated States of Micronesia, the Re-  
6       public of the Marshall Islands, and the Republic of Palau  
7       may appoint a nonvoting member of the Task Force.

8       (f) RESPONSIBILITIES OF FEDERAL AGENCY MEM-  
9       BERS.—

10           (1) IN GENERAL.—The Federal agency mem-  
11       bers of the Task Force shall—

12                (A) identify the actions of their agencies  
13       that may affect coral reef ecosystems;

14                (B) utilize the programs and authorities of  
15       their agencies to protect and enhance the condi-  
16       tions of such ecosystems; and

17                (C) assist in the implementation of the Na-  
18       tional Action Plan to Conserve Coral Reefs, the  
19       national coral reef action strategy developed  
20       under section 203 of the Coral Reef Conserva-  
21       tion Act of 2000, as amended by this Act, the  
22       local action strategies, and any other coordi-  
23       nated efforts approved by the Task Force.

24           (2) CO-CHAIRS.—In addition to their respon-  
25       sibilities under paragraph (1), the co-chairs of the

1 Task Force shall administer performance of the  
2 functions of the Task Force and facilitate the co-  
3 ordination of the Federal agency members of the  
4 Task Force.

5 (g) WORKING GROUPS.—

6 (1) IN GENERAL.—The co-chairs of the Task  
7 Force may establish working groups as necessary to  
8 meet the goals and duties of this title. The Task  
9 Force may request the co-chairs to establish such a  
10 working group.

11 (2) PARTICIPATION BY NONGOVERNMENTAL OR-  
12 GANIZATIONS.—The co-chairs may allow a non-  
13 governmental organization or academic institution to  
14 participate in such a working group.

15 (h) FACA.—The Federal Advisory Committee Act (5  
16 U.S.C. App.) shall not apply to the Task Force.

17 (i) DEFINITIONS.—The definitions in section 218 of  
18 the Coral Reef Conservation Act of 2000, as amended by  
19 this Act , shall apply to this section.

1 **TITLE III—DEPARTMENT OF THE**  
2 **INTERIOR CORAL REEF AU-**  
3 **THORITIES**

4 **SEC. 301. AMENDMENTS RELATING TO DEPARTMENT OF**  
5 **THE INTERIOR PROGRAM.**

6 (a) AMENDMENTS AND CLARIFICATIONS TO DEFINI-  
7 TIONS.—

8 (1) FISH AND WILDLIFE COORDINATION ACT.—

9 Section 8 of the Fish and Wildlife Coordination Act  
10 (16 U.S.C. 666b) is amended by inserting before the  
11 period at the end the following: “, including coral  
12 reef ecosystems (as such term is defined in section  
13 218 of the Coral Reef Conservation Act of 2000)”.

14 (2) FISH AND WILDLIFE ACT OF 1956 AND FISH  
15 AND WILDLIFE IMPROVEMENT ACT OF 1978.—With  
16 respect to the authorities under the Fish and Wild-  
17 life Act of 1956 (16 U.S.C. 742a et seq.) and the  
18 authorities under the Fish and Wildlife Improvement  
19 Act of 1978 (16 U.S.C. 742l), references in such  
20 Acts to “wildlife” and “fish and wildlife” shall be  
21 construed to include coral reef ecosystems (as such  
22 term is defined in section 218 of the Coral Reef  
23 Conservation Act of 2000, as amended by this Act).

24 (b) CORAL REEF CONSERVATION ASSISTANCE.—The  
25 Secretary of the Interior may provide technical assistance

1 and, subject to the availability of appropriations, financial  
 2 assistance to coastal States (as that term is defined in  
 3 the Coral Reef Conservation Act of 2000, as amended by  
 4 this Act).

5 **SEC. 302. CLARIFICATION OF DEFINITIONS.**

6 Section 218, as redesignated by section 106(a) of this  
 7 Act (relating to definitions; 16 U.S.C. 6409), is further  
 8 amended—

9 (1) by amending paragraph (1) to read as fol-  
 10 lows:

11 “(1) ADMINISTRATOR.—The term ‘Adminis-  
 12 trator’—

13 “(A) except as provided in subparagraph  
 14 (B), means the Administrator of the National  
 15 Oceanic and Atmospheric Administration; and

16 “(B) in sections 206, 209, 212, 214, and  
 17 215, means the Secretary of the Interior for  
 18 purposes of application of those sections to na-  
 19 tional parks and national wildlife refuges.”; and

20 (2) by amending paragraph (7) to read as fol-  
 21 lows:

22 “(7) SECRETARY.—The term ‘Secretary’—

23 “(A) except as provided in subparagraphs  
 24 (B) and (C), means the Secretary of Commerce;

25 “(B) in section 206(e), means—

1                   “(i) the Secretary of the Interior, with  
2                   respect to any coral reef or component  
3                   thereof that is located in—

4                   “(I) the National Wildlife Refuge  
5                   System; or

6                   “(II) the National Park System;  
7                   or

8                   “(ii) the Secretary of Commerce, with  
9                   respect to any other coral reef or compo-  
10                  nent thereof; and

11                  “(C) in sections 203 and 217, means the  
12                  Secretary of Commerce and the Secretary of  
13                  the Interior.”.

○